IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1722 of 2004

DALPAT SINGH @ DILIP SINGH
V/S
KARAN SINGH & ORS

Mr. RAMESH PANWAR, for the appellant / petitioner

Date of Order : 21.2.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only submission made is that the amount awarded by the learned Tribunal is inadequate.

I have considered the submission, and find that apart from bare production of bills of repairing the vehicle, there is no other evidence, and a perusal of bill shows that whole jeep has been reconstructed, while it is informed that jeep was old one, and was purchased by way of exchange of old tractor. The value of jeep before accident has not been placed on record. In such circumstances, merely because the appellant has shown to have spent particular amount as claimed, is not sufficient to entitle the appellant to claim that amount. It was then contended that appellant has suffered loss of income from the jeep as well. However, learned counsel for the appellant was asked to read the evidence in this regard, and after reading the statement of AW-1, it becomes clear that there is no evidence to show that jeep was yielding any income.

In the totality of facts & circumstances of the case, I do not find any error in the findings recorded by learned Tribunal. Thus appeal has no force, and is hereby dismissed.

(N P GUPTA),J.

/Srawat/